



AAA Mediation.org™

**FN-5368866 MN-5368866 LN-5368866,
Esq.**

Westfield, New Jersey

Current Employer-Title Lindabury, McCormick, Estabrook & Cooper, P.C. - Of Counsel

Profession Arbitrator, Mediator, Discovery Master, Independent Investigator, Superior Court Judge (ret'd)

Work History Of Counsel, Lindabury, McCormick, Estabrook & Cooper, P.C., 2020 – Present; Judge, Superior Court of New Jersey, 1993 – 2020; Woodruff & Dupuis, 1984 – 1993; Martin Margolis, P.A., 1982 – 1984; Assistant Prosecutor, Union County Prosecutor's Office, 1980 – 1982; Law Clerk to Hon. Vincent P. Biunno, U.S. District Court, District of New Jersey, 1978 – 1980.

Experience Judge of the New Jersey Superior Court for 27 years, serving in the Civil Division for 12 years, Criminal Division for three years, Presiding Judge in the Family Division for six years and Presiding Judge in the Probate and Chancery Divisions for six years.

Have presided over cases involving the following areas law:

Consumer Actions - including arbitration and cases regarding auto dealership contracts, credit card disputes, the Consumer Fraud Act, real estate contracts, bitcoin, home improvement contracts, warranty claims and credit reporting disputes

Chancery

Business Disputes - conducted bench trials relating to complex commercial disputes including shareholder actions, dissolution of partnership and corporate entities, non-compete agreements, non-disclosure agreements, breach of employment agreements, restrictive covenants, operating agreements, unjust enrichment, merger and acquisition, assets agreements, fraudulent actions, intellectual property, confidentiality agreements, restraint of trade, partnerships, unfair competition, misappropriation and joint ventures.

Equitable Actions - mortgage foreclosure, equitable liens, breach of fiduciary duty, enforcement of arbitration agreements, collective bargaining agreements, confirmation of arbitration agreements, joint ventures.

Civil

Jury and Bench Cases

Contract Actions - insurance coverage, commercial disputes, consumer laws, franchise, labor contracts, antitrust, premises liability, lemon law, franchise, truth in lending

Employment Actions - Family Medical Leave, Law Against Discrimination, sexual harassment, religious discrimination, whistleblower protection, CEPA, wrongful termination,

Tort actions

Legal and medical malpractice, accidents, defamation

Miscellaneous

New Jersey Trade Secrets Act, New Jersey Computer Related Offenses Act, New Jersey Anti-Trust Act, products liability, New Jersey Environmental Protection Agency actions, Brownfields Act, Truth in Lending, defamation.

Arbitration/mediation is available via zoom

Mediator Experience

Conducted over 100 mediations in a broad range of areas since leaving the bench. Ample experience settling thousands of cases while on the bench. In an employment setting this would require identifying issues, identifying the unique goals of each party and assisting the parties in coming to a resolution that makes all parties feel as if they were heard.

Representative Issues Handled as a Mediator

Law Against Discrimination claim against major retailer by managerial employee. Issues in dispute included breach of employment contract with non-compete and restrictive covenants provisions as well as Law Against Discrimination claims of age and race discrimination.

Law Against Discrimination claim by high ranking police employee of large metropolitan police force alleging violation of the New Jersey Family Leave Act N.J.S.A 34:11B-1, disability and retaliation under Law Against Discrimination.

Wrongful discharge alleged under New Jersey Family Leave Act N.J.S.A 34:11B-1 against medical provider. Race discrimination in violations of Law Against Discrimination and Conscientious Employee Protection Act N.J.S.A. 34:19-1 alleged by plaintiff.

Law Against Discrimination claim alleging sexual harassment and age discrimination against major trucking company.

Suit by Information Technology company against former client for defamation.

Law Against Discrimination claim alleging sexual harassment, constructive discharge, retaliation and Conscientious Employee Protection Act violations against an auto dealership.

Law Against Discrimination suit against school district alleging sexually hostile environment and discrimination due to sex and age.

Law Against Discrimination action alleging discrimination by school system after plaintiff returned from medical leave. The claimant alleged she was discriminated and retaliated against based on her perceived disability.

Employee claim against health care company for wrongful termination in violation of the Conscientious Employee Protection Act after the employee notified regulatory authorities of irregularities.

Mediated contract actions with multiple litigants including fourth party claims.

Mediator Style & Process Preferences

I request mediation statements in advance of the mediation session. I then call each attorney or pre se party and privately discuss with them the nature of the dispute and their expectations. At this point factual disputes may arise which can be cleared up in advance of the mediation (was an inspection completed). In this manner we do not waste time at meditation clearing up easily resolved disputes. On the day of mediation I speak to the attorneys privately to see if there have been any changes in position and to determine if they have a proposed method to guide the mediation process. I then speak to the clients to explain the mediation process.

In this manner I learn as much as I can before the mediation begins. I also ask the attorneys if they wish to have their clients address me. Depending on the case I find clients may need to feel as if they are being heard before they can get in a compromise state of mind.

I begin the mediation by caucusing with the individual parties. I generally ask the attorneys to question their clients and guide the discussion. I interject with questions as needed. I maintain my

position as a neutral and do not opine as to my views unless asked by the parties.

There is also an innovative approach to mediation, Early Dispute Resolution (EDR), where the parties agree to mediation once an answer is filed. The process takes no more than 30-60 days. "Sufficient information" is exchanged with the mediator's assistance. This is not the usual full and expensive discovery. The parties value the cases, establish the probability of success on each claim and attempt to resolve their differences. Generally, all of the most important discovery has been exchanged. The parties can attempt to settle at this stage and if they are unsuccessful the case can continue to litigation as usual and again go to mediation after full discovery.

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| Education | Seton Hall University School of Law (J.D. 1978); Chestnut Hill College, (B.A. English 1972). |
| Professional Licenses | Admitted to Bar: New Jersey (1978); United States District Court: District of New Jersey (1978); United States Supreme Court (2011). |
| Professional Associations | American Bar Association; Federal Bar Association; New Jersey State Bar Association (Real Estate Section, Business Law Section, LGBT Section, Family Law Section, Alternative Dispute Resolution Section); New York State Bar Association; Union County Bar Association; Essex County Bar Association; The Barry I. Croland Family Law Inn of Court; The Justice Marie L. Garibaldi American Inn of Court for ADR; The Richard Hughes Inn of Courts. |
| Recent Publications & Speaking Engagements | Frequent lecturer on Business Law for the New Jersey State Bar Association and Institute for Continuing Legal Education (Business Divorce: The Privately Held Businesses and Shareholder Relations, Restrictive Covenants, Valuing Closely Held Businesses); Lectured to New Jersey State Judges at the annual Judicial College and newly appointed judges training. |
| Mediation Rate | \$500 Per Hour |
| Languages | English |
| Citizenship | United States of America |
| Locale | Westfield, NJ |

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.